



Federal Aviation Administration  
Office of Chief Counsel  
Rules Docket (AGC-10)  
800 Independence Avenue SW  
Washington, DC 20591

**Submitted Electronically via Document Management  
System ([dmses.dot.gov/submit](https://dmses.dot.gov/submit)) on March 3, 2003**

March 3, 2003

***Petition for Exemption from the Mode S Transponder Requirement of 14 CFR § 135.143(c)(2)***

Dear Sir or Madam:

Pursuant to 14 CFR §§ 11.15, 11.81 and other pertinent sections of 14 CFR part 11, Air Maui hereby petitions the Federal Aviation Administration for exemption from the Mode S transponder requirement of 14 CFR § 135.143(c)(2). We request this relief with respect to the following aircraft: N4AK, N405AM and N406AM.

Section 135.143(c)(2) requires aircraft operated under 14 CFR part 135 after January 1, 1992, to be equipped with a transponder meeting the requirements of TSO-C112; this is known as a "Mode S transponder." A ground-based sensor unit is an integral part of Mode S transponder functionality. Because the necessary ground sensors have not become operational, there is no potential safety advantage to be gained by using Mode S transponders rather than the less expensive and more common altitude-encoding (or "Mode C") transponders.

We understand that the average price of a Mode S transponder is approximately \$4500 compared to \$1500 for a Mode C transponder. This additional expense would, of course, be passed on to the flying public.

To require equipage with a Mode S transponder imposes an economic burden on Air Maui and the traveling public without delivering any commensurate safety benefit.

Pursuant to 14 CFR § 11.87, Air Maui further asks FAA to waive the requirement for publication of this petition in the *Federal Register*. We understand that as many as 30 other Part 135 certificate holders have been granted exemptions from the Mode S transponder requirement of section 135.143(c)(2). Consequently it appears that granting this petition will not set a precedent. However, delay in granting this petition may harm the interests of the Petitioner or the public by preventing the Petitioner from providing valuable and needed transportation services under Part 135 using the subject aircraft.

If you have any additional comments or questions concerning the petition, please contact me at the above below.

Sincerely,

Steve Egger,  
Director of Operations